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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,609	11/10/2005	Raphacl Yocli	1148-US	.1497
24505	7590	07/16/2007		
DANIEL J SWIRSKY 55 REUVEN ST. BEIT SHEMESH, 99544 ISRAEL			EXAMINER SANDERSON, JOSEPH W	
			ART UNIT 3644	PAPER NUMBER
			MAIL DATE 07/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,609

Applicant(s)

YOELI, RAPHAEL

Examiner

Joseph W. Sanderson

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :12/1/05, 2/23/06, 6/23/06, 10/3/06.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 23 February 2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

2. The information disclosure statements filed 23 June 2006 and 3 October 2006 fail to comply with 37 CFR 1.98(a)(3) because they do not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. They have been placed in the application file, but the information referred to therein has not been considered.

Specification

3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith (US 4 043 421).

Regarding independent claim 1:

Smith discloses a vehicle comprising:

a fuselage (Fig 2, 10) having a longitudinal axis (fore to aft) and a transverse axis (side to side);

at least one lift-producing propeller (Fig 3, 74) carried by said fuselage on each side of said transverse axis;

a pilot's compartment (Figs 2 and 3, right side with 20) formed in said fuselage between said lift-producing propellers and substantially aligned with one side of said fuselage; and

a payload bay (Figs 2 and 3, left side) formed in said fuselage between said lift-producing propellers and opposite said pilot's compartment.

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Regarding claims 2 and 3:

The discussion above regarding claim 1 is relied upon.

Smith discloses the payload bay including a cover (Figs 1 and 2, 16) pivotally mounted to the top of the fuselage and deployable to an open position providing access to the payload bay and a closed position covering the bay (col 2, lines 32-36).

6. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Piasecki (US 3 184 183).

Regarding independent claim 1:

Piasecki discloses a vehicle comprising:

a fuselage (Fig 2, 11) having a longitudinal axis (fore to aft) and a transverse axis (side to side);

at least one lift-producing propeller (Fig 2, 15 and 16) carried by said fuselage on each side of said transverse axis;

a pilot's compartment (Fig 2, 12a with controls as variously shown within the figures) formed in said fuselage between said lift-producing propellers and substantially aligned with one side of said fuselage; and

a payload bay (Fig 2, other 12a) formed in said fuselage between said lift-producing propellers and opposite said pilot's compartment.

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Regarding claim 4:

The discussion above regarding claim 1 is relied upon.

Piasecki discloses the vehicle including a flexible skirt (Fig 11, 75) extending below the fuselage enabling hovercraft-type use (col 7, lines 50-70).

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Heidelberg (US 3 039 537).

Regarding independent claim 1:

Heidelberg discloses a vehicle comprising:

a fuselage (Figs 1 and 2, chassis) having a longitudinal axis (fore to aft) and a transverse axis (side to side);

at least one lift-producing propeller (Fig 2, 4 and 5) carried by said fuselage on each side of said transverse axis;

a pilot's compartment (Fig 2, driver's side, not differentiated) formed in said fuselage between said lift-producing propellers and substantially aligned with one side of said fuselage; and

a payload bay (Fig 2, passenger side) formed in said fuselage between said lift-producing propellers and opposite said pilot's compartment.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hulbert (US 2 955 780).

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Regarding independent claim 1:

Hulbert discloses a vehicle comprising:

a fuselage (Fig 1, 12) having a longitudinal axis (fore to aft) and a transverse axis (side to side);

at least one lift-producing propeller (Fig 3, 26 and 26') carried by said fuselage on each side of said transverse axis;

a pilot's compartment (Fig 1, 16 on left of vehicle) formed in said fuselage between said lift-producing propellers and substantially aligned with one side of said fuselage; and

a payload bay (Fig 1, 16 on right of vehicle) formed in said fuselage between said lift-producing propellers and opposite said pilot's compartment.

Regarding claim 2:

The discussion above regarding claim 1 is relied upon.

Hulbert discloses the payload bay including a cover deployable to an open position providing access and a closed position covering the bay (col 3, lines 45-48).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bright (US 2 968 453).

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Regarding independent claim 1:

Bright discloses a vehicle comprising:

a fuselage (Fig 1, 10) having a longitudinal axis (fore to aft) and a transverse axis (side to side);

at least one lift-producing propeller (Fig 1 and 2, 18 and 38) carried by said fuselage on each side of said transverse axis;

a pilot's compartment (Fig 1, one 16; 16 are "dual control stations," meaning one can be for a pilot and the other passenger/payload or vice versa) formed in said fuselage between said lift-producing propellers and substantially aligned with one side of said fuselage; and

a payload bay (Fig 1, the other 16) formed in said fuselage between said lift-producing propellers and opposite said pilot's compartment.

10. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bright ('453) in view of Smith ('421).

The discussion above regarding claim 1 is relied upon.

Bright discloses the payload bay including a cover (Figs 2, cover for 16) pivotally mounted to the top of the fuselage and deployable to an open position providing access to the payload bay and a closed position covering the bay, bubble tops being pivotally mounted to the craft.

However if the applicant is of the opinion that the covers are not pivotally mounted for opening and closing, Smith teaches a vehicle having a cover over a payload bay (Figs 1 and 2,

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16) that is pivotally mounted for opening and closing (col 2, lines 32-36) to allow passengers access into and out of the vehicle.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Bright to use a pivotally mounted cover as taught by Smith for the well known advantage of allowing passengers into and out of the vehicle.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hulbert ('780), Heidelberg ('537) or Piasecki ('183).

The discussion above regarding claim 1 is relied upon.

Hulbert, Heidelberg and Piasecki all disclose ducted fan vehicles having passenger compartments, but do not disclose the compartments including at least one outward facing seat.

It would have been an obvious matter of design choice to use outward-facing seats, since applicant has not disclosed that this configuration solves any stated problem or is for any particular purpose (as evidenced by Figs 14b-e) and it appears that the invention would perform equally as well with the seats of the noted art.

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Conclusion

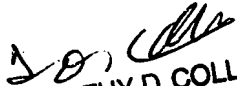
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph W. Sanderson whose telephone number is 571-272-0474. The examiner can normally be reached on M-F 7:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joseph W. Sanderson

JWS


TIMOTHY D. COLLINS
PRIMARY EXAMINER